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09/760,730	01/17/2001	Yoshihiro Masuda	108359	4837

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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/760,730	MASUDA ET AL.
	Examiner	Art Unit	
	Susanna M. Diaz	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 April 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,6-11 and 13-16* is/are pending in the application.

   4a) Of the above claim(s) *2* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,3,4,6-11 and 13-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Final Office action is responsive to Applicant's amendment filed April 8,

2005.

Claims 1-4, 6-11, and 13 have been amended.

Claims 14-16 have been added.

Claims 5 and 12 have been cancelled.

Claim 2 stands as withdrawn.

Claims 1, 3, 4, 6-11, and 13-16 are presented for examination.

2.   The previously pending rejection under 35 U.S.C. § 101 has been withdrawn in

response to Applicant's amendment of the claims.

Some of the rejections under 35 U.S.C. § 112, 2nd paragraph have been

withdrawn in response to Applicant's amendments; however, these amendments do not

sufficiently remedy all of the rejections. Such rejections are maintained, as set forth

below.

Response to Arguments

3.   Applicant's arguments filed April 8, 2005 have been fully considered but they are

not persuasive.

Applicant argues that "Stuart's workflow management system is based on input-

output model that uses contextual relationships between tasks to accomplish a project"

(page 8 of Applicant's response). Applicant continues to explain:

As discussed at the interview, the element organization support apparatus, element organization support method and storage medium recited in the claims at issue, on the other hand, do not use an IPO model or contextual relationship between the tasks for accomplishing a project (page 5, lines 4-15). In other words, the apparatus has an executive element management section for classifying each executive element into processible tasks and managing the executive elements, and a selecting section for selecting out of the executive element management section a candidate executive element that can process each of the tasks (page 4, line 27 to page 5, line 3). (Page 8 of Applicant's response)

First, as explained in the maintained rejections under 35 U.S.C. § 112, 2nd paragraph, the scope of "executive elements," the various recited means, and "managing the classified executive elements" is unclear. Second, the claimed invention does not preclude the use of an IPO model or an analysis of contextual relationships among tasks; therefore, Applicant's argument is moot. Third, Stuart addresses the invention as claimed. For example, for each job, a set of required tasks is identified (see at least col. 6, lines 1-6, which teaches that each print job has a specific set of requirements and Fig. 6 shows a table that identifies the various work processes, including tasks, through which each print job passes), i.e., executive elements (e.g., print jobs) are classified into processible tasks and managed. Then, a device that can handle each required task is assigned as needed (col. 6, lines 3-5, which states that specific devices can be called upon for a given print job), i.e., a candidate executive element that can process each of the tasks based on the classification (e.g., task and/or device that can perform the required task) is selected.

Applicant argues:

As Applicants describe at page 5, lines 10-15, since candidate executive elements are selected with processible tasks as keys irrespective of the context, there is no need to cause input/output relationships among executive elements ensuing from addition, deletion or modification of executive elements in any database to be reflected in other databases even though executive elements are managed in a decentralized way and plural databases, resulting in efficient decentralized management (Fig. 2). As discussed at the interview, Stuart fails to perform this function because Stuart is based on an input/output relationship of the various tasks in order to accomplish a project, such as a printing project. Therefore, Stuart fails to disclose the features as recited in claims 1, 6, 7, 9, 10, and 13. (Page 9 of Applicant's response)

It should be noted that Applicant continuously refers to the specification to describe Applicant's invention as opposed to pointing out specific claim language. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., candidate executive elements are selected with processible tasks as keys irrespective of the context, there is no need to cause input/output relationships among executive elements ensuing from addition, deletion or modification of executive elements in any database to be reflected in other databases even though executive elements are managed in a decentralized way and plural databases, resulting in efficient decentralized management) are not recited in the rejected claims, especially in claims 1, 6, 7, 9, 10, and 13 as suggested by the Applicant. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). During the recent interview, the Examiner expressed the concern that the claims were so broad

that they were in fact nebulous in nature. The Applicant emphasizes what the invention

allegedly is *not* (i.e., the workflow system and method described as Stuart's invention);

however, the claimed invention fails to expressly recite what Applicant's invention truly

is.

Claim Rejections - 35 USC § 112

4.   Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention.

Claim 15 recites that "the candidate executive element is selected based on the

processible tasks irrespective of a contextual relationship of tasks," which is effectively a

negative limitation. While negative limitations are not inherently ambiguous, the present

negative limitation fails to set forth the boundaries of patent protection sought by the

Applicant, which is improper. The court held (in *In re Schechter*, 205 F.2d 185, 98

USPQ 144 (CCPA 1953)) that "a negative limitation that rendered the claim indefinite

because it was an attempt to claim the invention by excluding what the inventors did not

invent rather than distinctly and particularly pointing out what they did invent" is

improper and subject to rejection under 35 U.S.C. § 112, 2nd paragraph (see MPEP §

2173.05(i)). The recitation that "the candidate executive element is selected based on

the processible tasks irrespective of a contextual relationship of tasks" fails to positively

recite what Applicant's invention *is* nor does not it shed any light on the metes and

bounds of the invention. Furthermore, this negative limitation does not have basis in the

original disclosure. While the Applicant may submit in the background of the invention

that the prior art workflow management systems analyzed contextual relationships to

select tasks, the Applicant does not list this as an alternative in the disclosed scope of

Applicant's actual invention. Applicant does not positively explain in the specification

what is meant by selecting candidate executive elements based on processible tasks

irrespective of a contextual relationship of tasks. In other words, Applicant fails to

provide support for which methodology(ies) are referred to by excluding an

understanding of a contextual relationship of tasks nor does Applicant provide support

for all the possible methodologies that can be used to accomplish the recited

functionality *irrespective of a contextual relationship of tasks*. Therefore, as per

MPEP § 2173.05(i), claim 15 is asserted as failing to comply with the written description

requirement under 35 U.S.C. § 112, 1st paragraph.

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 1, 3, 4, 6-11, and 13-16 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Claims 1, 3, 4, 6-11, and 13 recite "executive elements." What does "executive"

signify in the scope of the present invention? "Executive" has many interpretations and

Applicant's intended interpretation is unclear. For examination purposes, an "executive element" will be interpreted as any part or element related to planning a project.

Claims 1, 3, 4, and 6 recite various "means" for performing different types of functionality; however, the specification does not utilize the term "means" to refer to any specific structural elements. Therefore, the scope of the various recited "means" is unclear. In other words, it is not clear whether these recited "means" refer to humans, software *per se*, software executed by hardware, hardware, or a combination thereof. For examination purposes, the recited "means" are interpreted as hardware or software executed by hardware. Please note that, if this is not Applicant's assertion, a rejection of claims 1, 3, 4, and 6 under 35 U.S.C. § 101 may be raised in the future.

Claim 1 recites "managing the classified executive elements" in line 5. The scope of "managing" is not clear. Does it imply an active process of overseeing the usage of executive elements can it merely refer to a more passive process, e.g., merely storing data regarding the item(s) to be managed? The same rejection applies to claims 6, 7, 9, 10, and 13 since they recite similar limitations.

Claim 15 recites that "the candidate executive element is selected based on the processible tasks irrespective of a contextual relationship of tasks," which is effectively a negative limitation. While negative limitations are not inherently ambiguous, the present negative limitation fails to set forth the boundaries of patent protection sought by the Applicant, which is improper. The court held (in *In re Schechter*, 205 F.2d 185, 98 USPQ 144 (CCPA 1953)) that "a negative limitation that rendered the claim indefinite because it was an attempt to claim the invention by excluding what the inventors did not

invent rather than distinctly and particularly pointing out what they did invent" is improper and subject to rejection under 35 U.S.C. § 112, 2nd paragraph (see MPEP § 2173.05(i)). The recitation that "the candidate executive element is selected based on the processible tasks irrespective of a contextual relationship of tasks" fails to positively recite what Applicant's invention *is* nor does not it shed any light on the metes and bounds of the invention. Furthermore, it is not clear whether the analysis of a contextual relationship of tasks is completely precluded or only in the selection process (i.e., it may still be used to assess the initial classification of executive elements). Therefore, claim 15 is deemed to be vague and indefinite and will not be treated on the basis of its merits at present.

Appropriate correction is required.

In light of the numerous rejections of the claims under 35 U.S.C. § 112, 1st and 2nd paragraphs, the following art rejection reflects Examiner's best understanding of the claimed invention. Furthermore, Applicant is reminded since claim 15 is so indefinite, no art rejection is warranted as substantial guesswork would be involved in determining the scope and content of this claim. See In re Steele, 305 F.2d 859, 134 USPQ 292 (CCPA 1962); Ex parte Brummer, 12 USPQ 2d, 1653, 1655 (BdPatApp&Int 1989); and also In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). Prior art pertinent to the disclosed invention is nevertheless cited and applicants are reminded they must consider all cited art under Rule 111(c) when amending the claims to conform with 35 U.S.C. § 112.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1, 3, 4, 6-11, 13, 14, and 16 are rejected under 35 U.S.C. 102(e) as being

anticipated by Stuart (U.S. Patent No. 6,466,935).

Stuart discloses an element organization support apparatus for selecting, for a

project including plural tasks, executive elements for individual tasks and supporting

organization of the plural executive elements, the apparatus comprising:

[Claim 1]   executive element management means for classifying executive elements

into processible tasks and managing the classified executive elements (Fig. 6; col. 4,

lines 56-63; col. 6, lines 1-14 -- For example, for each job, a set of required tasks is

identified (see at least col. 6, lines 1-6, which teaches that each print job has a specific

set of requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected); and

selecting means for selecting out of the executive element classification and

management means a candidate executive element that can process each of the tasks

based on the classification (col. 6, lines 1-14, 22-45, 64-67 -- For example, for each job,

a set of required tasks is identified (see at least col. 6, lines 1-6, which teaches that

each print job has a specific set of requirements and Fig. 6 shows a table that identifies

the various work processes, including tasks, through which each print job passes), i.e.,

executive elements (e.g., print jobs) are classified into processible tasks and managed.

Then, a device that can handle each required task is assigned as needed (col. 6, lines

3-5, which states that specific devices can be called upon for a given print job), i.e., a

candidate executive element that can process each of the tasks based on the

classification (e.g., task and/or device that can perform the required task) is selected);

[Claim 3]   wherein the executive element management means includes a memory

for storing at least element information that identifies a task processible by each

executive element, and the selecting means selects, on the basis of the element

information, a candidate executive element for processing each task required in a

project (Fig. 6; col. 6, lines 1-14, 22-45; col. 7, lines 57-65);

[Claim 4]   wherein the element information further includes data regarding

processing time, and the selecting means, where there are plural candidate executive

elements for a given task, rearranges the plural candidate executive elements according

to the processing time and presents the rearranged candidate executive elements (col.

6, lines 1-14; col. 11, lines 3-24);

[Claim 14]   wherein each one of the classified executive elements identifies an activity

which is stored as an identifier in a database (For each job, a set of required tasks is

identified (see at least col. 6, lines 1-6, which teaches that each print job has a specific

set of requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected. Fig. 6 and col. 6, lines 1-6 show

identifiers for various activities);

[Claim 16]   wherein each one of the processible tasks is represented by a name of

operation (For each job, a set of required tasks is identified (see at least col. 6, lines 1-

6, which teaches that each print job has a specific set of requirements and Fig. 6 shows

a table that identifies the various work processes, including tasks, through which each

print job passes), i.e., executive elements (e.g., print jobs) are classified into processible

tasks and managed. Then, a device that can handle each required task is assigned as

needed (col. 6, lines 3-5, which states that specific devices can be called upon for a

given print job), i.e., a candidate executive element that can process each of the tasks

based on the classification (e.g., task and/or device that can perform the required task)

is selected. Fig. 6 and col. 6, lines 1-6 show the names of various tasks).

Stuart discloses an element organization support apparatus for selecting, for use

in the accomplishment of a job asking by a customer, an executive element for each of

plural tasks involved in the job, and supporting organization of the plural executive

elements to accomplish the job, comprising:

[Claim 6]   executive element management means for classifying executive elements

into processible tasks and managing the classified executive elements (Fig. 6; col. 4,

lines 56-63; col. 6, lines 1-14 -- For example, for each job, a set of required tasks is

identified (see at least col. 6, lines 1-6, which teaches that each print job has a specific

set of requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected); and

selecting means for selecting from the executive element management means a

candidate executive element that can process each of the tasks based on the

classification (col. 6, lines 1-14, 22-45, 64-67 -- For example, for each job, a set of

required tasks is identified (see at least col. 6, lines 1-6, which teaches that each print

job has a specific set of requirements and Fig. 6 shows a table that identifies the various

work processes, including tasks, through which each print job passes), i.e., executive

elements (e.g., print jobs) are classified into processible tasks and managed. Then, a

device that can handle each required task is assigned as needed (col. 6, lines 3-5,

which states that specific devices can be called upon for a given print job), i.e., a

candidate executive element that can process each of the tasks based on the

classification (e.g., task and/or device that can perform the required task) is selected).

Stuart discloses a service providing method comprising:

[Claim 7]   classifying plural executive elements for executing tasks constituting in

advance various services into processible tasks and managing the classified executive

elements, each of the executive elements including at least one of human and physical

elements (Fig. 6; col. 4, lines 56-63; col. 6, lines 1-14 -- For example, for each job, a set

of required tasks is identified (see at least col. 6, lines 1-6, which teaches that each print

job has a specific set of requirements and Fig. 6 shows a table that identifies the various

work processes, including tasks, through which each print job passes), i.e., executive

elements (e.g., print jobs) are classified into processible tasks and managed. Then, a

device that can handle each required task is assigned as needed (col. 6, lines 3-5,

which states that specific devices can be called upon for a given print job), i.e., a

candidate executive element that can process each of the tasks based on the

classification (e.g., task and/or device that can perform the required task) is selected);

receiving a request for organizing, for the accomplishment of a specific service

asked by a customer, executive elements for processing the specific service (Fig. 6; col.

4, lines 56-63; col. 6, lines 1-14);

analyzing, by a processor, as instructed by the customer, tasks required for the

specific service (Fig. 6; col. 4, lines 56-63; col. 6, lines 1-14); and

selecting by a processor from the executive elements classified and managed,

on the basis of the result of the analysis, an executive element for executing the tasks

based on the classification (col. 6, lines 1-14, 22-45, 64-67 -- For example, for each job,

a set of required tasks is identified (see at least col. 6, lines 1-6, which teaches that

each print job has a specific set of requirements and Fig. 6 shows a table that identifies

the various work processes, including tasks, through which each print job passes), i.e.,

executive elements (e.g., print jobs) are classified into processible tasks and managed.

Then, a device that can handle each required task is assigned as needed (col. 6, lines

3-5, which states that specific devices can be called upon for a given print job), i.e., a

candidate executive element that can process each of the tasks based on the

classification (e.g., task and/or device that can perform the required task) is selected);

[Claim 8]   allowing the customer to evaluate the result of the organization of the

executive elements (col. 6, lines 11-14 -- Penalties and incentives are assessed based

on an agreement with a customer. If the customer's needs are met, i.e., the customer is

satisfied that the conditions of the agreement are met, the printer is given an incentive.

Otherwise, if the customer's needs are not met, i.e., the customer is not satisfied that

the conditions of the agreement are met, then penalties are assessed against the

printer. This evaluation of whether or not conditions of the agreement have been met is

effectively a customer evaluation of the organization); and

receiving, as the organizer of the executive elements, the evaluation and holding

the evaluation in association with information concerning the organization of the

executive elements provided to the customer (col. 6, lines 11-14 -- Penalties and

incentives are assessed based on an agreement with a customer. If the customer's

needs are met, i.e., the customer is satisfied that the conditions of the agreement are

met, the printer is given an incentive. Otherwise, if the customer's needs are not met,

i.e., the customer is not satisfied that the conditions of the agreement are met, then

penalties are assessed against the printer. This evaluation of whether or not conditions

of the agreement have been met is effectively a customer evaluation of the

organization).

Stuart discloses an element organization support method executable by a

processor for selecting, for a project including plural tasks, executive elements for

individual tasks and supporting organization of the plural executive elements, the

method comprising:

[Claim 9]   classifying by the processor the executive elements into processible tasks

in advance and managing the classified executive elements (Fig. 6; col. 4, lines 56-63;

col. 6, lines 1-14 -- For example, for each job, a set of required tasks is identified (see at

least col. 6, lines 1-6, which teaches that each print job has a specific set of

requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected); and

searching by the processor the executive elements classified and managed for

an executive element to execute each task and selecting the executive element based

on the classification (col. 6, lines 1-14, 22-45, 64-67 -- For example, for each job, a set

of required tasks is identified (see at least col. 6, lines 1-6, which teaches that each print

job has a specific set of requirements and Fig. 6 shows a table that identifies the various

work processes, including tasks, through which each print job passes), i.e., executive

elements (e.g., print jobs) are classified into processible tasks and managed. Then, a

device that can handle each required task is assigned as needed (col. 6, lines 3-5,

which states that specific devices can be called upon for a given print job), i.e., a

candidate executive element that can process each of the tasks based on the

classification (e.g., task and/or device that can perform the required task) is selected).

Stuart discloses a computer-readable storage medium storing thereon a program

executable by a processor for selecting, for a project including plural tasks, executive

elements for individual tasks and thereby supporting organization of the plural executive

elements, the program comprising:

[Claim 10]   a first module for classifying the executive elements into processible tasks

in advance and managing the classified executive elements (Fig. 6; col. 4, lines 56-63;

col. 6, lines 1-14 -- For example, for each job, a set of required tasks is identified (see at

least col. 6, lines 1-6, which teaches that each print job has a specific set of

requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected); and

a second module for searching the executive elements classified and managed

for an executive element to execute each task required for a given service and selecting

the executive element based on the classification (col. 6, lines 1-14, 22-45, 64-67 -- For

example, for each job, a set of required tasks is identified (see at least col. 6, lines 1-6,

which teaches that each print job has a specific set of requirements and Fig. 6 shows a

table that identifies the various work processes, including tasks, through which each

print job passes), i.e., executive elements (e.g., print jobs) are classified into processible

tasks and managed. Then, a device that can handle each required task is assigned as

needed (col. 6, lines 3-5, which states that specific devices can be called upon for a

given print job), i.e., a candidate executive element that can process each of the tasks

based on the classification (e.g., task and/or device that can perform the required task)

is selected);

[Claim 11]   wherein the first module calls a program performing the classification and

management of the executive elements, and the second module calls a program

searching for and selecting the executive element (col. 6, lines 1-14, 22-45, 64-67; col.

10, line 35 through col. 11, line 34).

Stuart discloses an element organization support system, comprising:

[Claim 13]   a database server for classifying data pieces regarding plural executive

elements for executing individual tasks constituting various services into processible

tasks, and managing the executive elements, the data pieces regarding executive

elements including at least one of human and physical elements (Fig. 6; col. 4, lines 56-

63; col. 6, lines 1-14 -- For example, for each job, a set of required tasks is identified

(see at least col. 6, lines 1-6, which teaches that each print job has a specific set of

requirements and Fig. 6 shows a table that identifies the various work processes,

including tasks, through which each print job passes), i.e., executive elements (e.g.,

print jobs) are classified into processible tasks and managed. Then, a device that can

handle each required task is assigned as needed (col. 6, lines 3-5, which states that

specific devices can be called upon for a given print job), i.e., a candidate executive

element that can process each of the tasks based on the classification (e.g., task and/or

device that can perform the required task) is selected);

a reception server for receiving a request for preparation of organization of

executive elements for processing a specific service asked by a customer (Fig. 6; col. 4,

lines 56-63; col. 6, lines 1-14); and

an analysis server for analyzing tasks required for the specific service as

instructed by the customer (Fig. 6; col. 4, lines 56-63; col. 6, lines 1-14), and selecting

from the database server, on the basis of the result of the analysis, a data piece

regarding an executive element for executing each of the tasks (col. 6, lines 1-14, 22-

45, 64-67).

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susanna Diaz

Susanna M. Diaz
Primary Examiner
Art Unit 3623

May 3, 2005